

**TOWN OF LITTLE ELM, TEXAS**

**ORDINANCE NO. 1798**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LITTLE ELM, TEXAS, ORDERING A GENERAL AND SPECIAL ELECTION TO BE HELD ON SATURDAY, MAY 3, 2025, FOR THE FOLLOWING PURPOSES: ELECT ONE (1) TOWN COUNCIL MEMBER FOR PLACE ONE FOR A THREE (3) YEAR TERM; ELECT ONE (1) TOWN COUNCIL MEMBER FROM PLACE 2 FOR A THREE (3) YEAR TERM; ELECT ONE (1) TOWN COUNCIL MEMBER FROM PLACE 4 FOR A THREE (3) YEAR TERM; VOTING “FOR” OR “AGAINST” THE REAUTHORIZATION OF THE MUNICIPAL SALES AND USE TAX FOR STREET MAINTENANCE AT THE RATE OF ONE-FOURTH OF ONE PERCENT, PURSUANT TO CHAPTER 327 OF THE TEXAS TAX CODE, AS AMENDED; PROVIDING FOR THE DESIGNATION OF THE PLACES AND MANNER OF HOLDING SAID ELECTION; PROVIDING FOR THE DESIGNATION OF THE EARLY VOTING POLLING PLACES; PROVIDING FOR THE DESIGNATION OF THE EARLY VOTING CLERK; PROVIDING FOR THE POSTING AND PUBLICATION OF NOTICE; PROVIDING A SEVERABILITY AND CONFLICTS CLAUSE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.**

**WHEREAS**, Section 41.001 of the Texas Election Code, as amended, establishes Saturday, May 3, 2025, as a “uniform election date” for the purposes of conducting an election within the Town of Little Elm, Texas (**“Town”**); and

**WHEREAS**, the Town Council Member terms of office for Place 1, Place 2, and Place 4 will expire in May, 2025, and must be filled by general election; and

**WHEREAS**, on May 1, 2021, the eligible voters of the Town previously approved the municipal sales and use tax for street maintenance as authorized by Chapter 327 of the Texas Tax Code, as amended; and

**WHEREAS**, Section 327.007 of the Texas Tax Code provides that the municipal sales and use tax for street maintenance expires on the fourth (4th) anniversary of the date the tax originally took effect, unless the tax is reauthorized by the eligible voters of the Town at an election called and held for that purpose; and

**WHEREAS**, the Town Council desires to call a special election for the purpose of reauthorizing the municipal sales and use tax for street maintenance, at the rate of one-fourth of one percent, pursuant to Chapter 327 of the Texas Tax Code, as amended; and

**WHEREAS**, the Town has entered into a Joint Election Agreement and Contract for Election Services (**“Election Services Agreement”**) with the Denton County Elections Administrator (**“Elections Administrator”**) for conducting the general and special election within the Town, which Election Services Agreement provides, among other things, that the Elections

Administrator will conduct the general and special election for the Town; will appoint election judges, clerks, and other election personnel; will provide voting supplies and equipment; will conduct early voting; will count and provide election returns; and will designate early voting polling sites and Election Day voting sites for the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LITTLE ELM, TEXAS:**

**Section 1. Findings.**

The facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct legislative findings and are adopted as part of this ordinance for all purposes.

**Section 2. Election Order; Election Date; Purpose of Election.**

A general and special election of the Town shall be held on May 3, 2025, between the hours of 7:00 a.m. and 7:00 p.m., at those Election Day voting sites as determined by the Elections Administrator, for the following purposes:

- (1) To elect a Town Council Member for Place 1, for a three (3) year term;
- (2) To elect a Town Council Member for Place 2, for a three (3) year term;
- (3) To elect a Town Council Member for Place 4, for a three (3) year term; and
- (4) To consider reauthorization of the municipal sales and use tax for street maintenance, at the rate of one-fourth of one percent; and

**Section 3. Candidate Filing Deadline.**

Candidates for Town Council Member for Place 1, Town Council Member for Place 2, and Town Council Member for Place 4, may file with the Town Secretary of the Town of Little Elm, Texas ("**Town Secretary**"), for one of the three (3) places beginning on January 15, 2025, and until 5:00 p.m. on February 14, 2025. The last date and time for a write-in candidate shall be 5:00 p.m. on February 18, 2025.

**Section 4. Voting System, Ballots.**

Voting on the date of the election, and early voting therefore, shall be by the use of a lawfully approved voting system, as provided in the Election Services Agreement. The preparation of the voting equipment to be used in connection with such voting system and the official ballots for the election shall conform to the Texas Election Code, as amended, so as to permit the electors of the Town to vote for the Town Council Member for Place 1, Town Council Member for Place 2, and Town Council Member Place 4; and so as to permit the electors of the Town to vote "For" or "Against" the reauthorization of the municipal sales and use tax for street maintenance, at the rate of one-fourth of one percent. Said ballots shall have printed therein such provisions, markings, and language as may be required by law and as set forth by the Elections Administrator pursuant to the provisions of the Elections Services Agreement, and in

substantially the following form and language:

**GENERAL AND SPECIAL ELECTION  
Town of Little Elm, Texas  
May 3, 2025**

**OFFICIAL BALLOT**

**Council Member for Place 1**

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**Council Member for Place 2**

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**Council Member for Place 4**

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**Street Maintenance Sales and Use Tax Ballot Proposition**

**FOR** \_\_\_\_\_  
**AGAINST** \_\_\_\_\_

The reauthorization of the local sales and use tax in the Town of Little Elm at the rate of one-fourth of one percent to continue providing revenue for maintenance and repair of municipal streets.

**Section 5.     Election Precincts; Polling Places.**

All election precincts, early voting polling sites and Election Day polling sites shall be determined by the Elections Administrator pursuant to the Election Services Agreement.

**Section 6.     Appointment of a Presiding Election Judge, and Alternate Presiding Election Judge; Notice of Appointment.**

A Presiding Judge and Alternate Presiding Judge for all designated polling places shall be appointed by the Elections Administrator, pursuant to provisions of the Election

Services Agreement, and in accordance with Section 32.009 of the Texas Election Code.

**Section 7.      Early Voting; Early Voting Polling Place(s).**

Early voting shall commence in the Council Conference Room in Little Elm Town Hall on April 21, 2025 (as well as at any other polling site(s) determined by the Elections Administrator pursuant to the Election Services Agreement), and shall close on April 29, 2025. During the lawful early voting by personal appearance period (April 21, 2025, through April 29, 2025), the Town Secretary (or designated personnel of the Elections Administrator) shall keep such place(s) for early voting open for early voting by personal appearance schedule as follows:

April 22 – April 26	8:00 a.m. to 5:00 p.m.
April 27	11:00 a.m. to 5:00 p.m.
April 28 – April 29	7:00 a.m. to 7:00 p.m.

**Section 8.      Election Compliance.**

This election shall be held in accordance with, and shall be governed by, the election laws of the State of Texas. In all Town elections, the Mayor, Town Secretary, or Town Council shall perform each act as is required to be performed, in connection with the holding and consummation of such election, and to give effect to the intent of this ordinance and all Town obligations as set forth in the Election Services Agreement.

**Section 9.      Voting Qualification; Voting Materials.**

All registered, qualified voters of the Town shall be permitted to vote at the election. In addition, the election materials enumerated in the Texas Election Code, as amended, shall be printed in English and Spanish for use at the polling places and for early voting for the election.

**Section 10.     Compensation for Services.**

The Presiding Election Judge, Alternate Presiding Judge, and each Election Clerk shall be compensated at the rate determined by the Elections Administrator, pursuant to the provisions of the Election Services Agreement.

**Section 11.     Notices.**

The Town Secretary is hereby ordered and directed to give notice of the general and special election by:

- (a) Publishing the notice of the election at least once, not more than thirty (30) days nor less than ten (10) days before the election in the official newspaper of the Town, or between April 3, 2025 and April 23, 2025;

- (b) Filing with the Town Secretary a copy of the notice of the election;
- (c) Posting a copy of the notice on the bulletin board used for posting notices of the meetings of the Town Council at least twenty-one (21) days before the election, by April 12, 2025; and
- (d) Delivering notice of the election to the Denton County clerk not later than the 60th day before Election Day, or March 4, 2025.

The Town Secretary shall file with the Town Secretary a copy of the Publisher's Affidavit, which complies with the Texas Election Code, as amended, that the notice was published, with the name of the newspaper and the dates of publication.

#### **Section 12. Run-Off Election.**

In accordance with the State Constitution, the Texas Election Code, and the Charter, in the event that no candidate receives a majority of the votes for an office, there shall be a runoff election held on a date authorized by the Texas Election Code. If a run-off election becomes necessary it shall be ordered by the Mayor or Mayor Pro-Tem not later than five (5) days after the canvassing of the returns of the general election, or as otherwise authorized by the Texas Election Code. The Town may, at its option, choose to conduct any runoff election in conjunction with the Denton County Elections administrator through the provisions of the Election Services Agreement.

#### **Section 13. Severability Clause; Conflicts with Election Services Agreement.**

If any word, section, article, phrase, paragraph, sentence, clause, or portion of this ordinance or application thereto to any person or circumstance is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portion of this ordinance; and the Town Council hereby declares it would have passed such remaining portions of this ordinance despite such invalidity which remaining portions shall remain in full force and effect. Additionally, it is the intent of the Town Council in adopting this ordinance to fully comply with the terms of the Election Services Agreement. Should any conflict arise between any term of this ordinance and the Town's obligations under the Election Services Agreement, it is the express intent of the Town Council that the terms of the Election Services Agreement should control and govern the administration of the general election addressed in this ordinance.

#### **Section 14. Effective Date.**

This ordinance shall take effect immediately upon its adoption and publication in accordance with and as provided by law and the Town Charter.

**PASSED AND APPROVED** by the Town Council of the Town of Little Elm, Texas  
this 4<sup>th</sup> day of February 2025.

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Curtis J. Cornelious, Mayor

ATTEST:

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Caitlan Biggs, Town Secretary

APPROVED AS TO FORM:

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Robert F. Brown, Town Attorney